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The attacks came quickly after House Natural Resources Chairman Rob Bishop (R-Utah) introduced legislation to overhaul the Antiquities Act: Opponents argued the bill wouldn't only mandate strict guidelines for the creation of national monuments but would lessen the chances for new national parks in the decades ahead.

http://bit.ly/2xkxxuc

4. Zinke meets with lawmakers in secure Hill location

Kellie Lunney, E&E News reporter

Published: Tuesday, October 24, 2017

Interior Secretary Ryan Zinke is meeting today with House Natural Resources Committee members in a secure location on Capitol Hill, according to sources familiar with the visit.

http://bit.ly/2gFNvfC

5. Can solar save a huge coal plant? Zinke's thinking about it

Brittany Patterson and Benjamin Storrow, E&E News reporters

Published: Tuesday, October 24, 2017

Interior Secretary Ryan Zinke met with a South African billionaire in July to discuss the possibility of using high-powered solar technology at one of America's largest coal plants as the Trump administration searches for a way to keep the facility from closing.

http://bit.ly/2i23PUB

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Published: Tuesday, October 24, 2017

A South Texas family's ranch is playing host to a legal battle that pits coal mining against the operators of a shale gas pipeline network.

http://bit.ly/2h6gZA5

7. Rising temps are costing government billions — GAO

Published: Tuesday, October 24, 2017

The government's top watchdog said today that climate change will increase the already astronomical cost of dealing with extreme weather events, including fires, floods and hurricanes.

http://bit.ly/2y41JcA

8. Democrats describe 'weird' meeting with Zinke

Kellie Lunney, E&E News reporter

Published: Tuesday, October 24, 2017

National security issues related to the U.S. territories, the Pacific Rim and the Arctic were among the topics discussed at this afternoon's secretive Capitol Hill meeting between Interior Secretary Ryan Zinke and lawmakers on the House Natural Resources Committee.

http://bit.ly/2h5KEcC

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1. Bill would force release of data on unused drilling permits

Scott Streater, E&E News reporter
Published: Tuesday, October 24, 2017

Democrats are attempting to force the Interior Department to collect and release to the public each year the number of federal drilling permits that have been approved but not used by the industry.

California Rep. Alan Lowenthal (D) today announced he has introduced a **bill** that would require the Interior secretary to submit annual reports to Congress no later than Jan. 1 on the number of approved but unused applications for permit to drill (APDs).

The "Having Open Access to Relevant Data Act," or "HOARD Act," would also prevent oil and gas energy companies from purchasing new leases if they have more than 100 approved but unused drilling permits.

And it would block Interior from using federal funding to "streamline" the permitting process if the number of approved but unused APDs "during any fiscal year" is "greater than twice the number" of applications the Bureau of Land Management receives but has not processed, according to the text of the bill, which is co-sponsored by Natural Resources Committee ranking member Raúl Grijalva (D-Ariz.) and Rep. Nanette Barragán (D-Calif.).

BLM representatives announced earlier this month that the agency will no longer update the number of unused APDs, as part of "streamlining" efforts within the agency (***Energywire***, Oct. 11).

These data have been used by congressional Democrats and conservation groups to counter claims by the oil and gas industry and the Trump administration that "burdensome" Obama-era land-use regulations have slowed the permitting process to drill on public lands.

Critics say oil and gas companies scoop up BLM permits and hold onto public land for years without drilling, barring the land from being used for other purposes. Industry representatives have argued it can take longer than a year for BLM to process an APD.

BLM has made reducing the "backlog" of APDs a top concern, according to a leaked agency "priority work" **list** E&E News published last spring (***Greenwire***, April 10).

The list directed BLM to "streamline" the federal leasing and permitting process for oil and gas, as well as coal, hardrock mining and "rights-of-way processing for pipelines, transmission lines, and solar/wind projects."

Lowenthal, the ranking member of the House Natural Resources Subcommittee on Energy and Mineral Resources, has been a vocal critic of suggestions that there is a large backlog of oil and gas APDs.

He accused the industry in a statement today of "swamping the system with applications for permits they know they will never use."

He argued that the BLM decision to stop publishing data on unused APDs was made because the data "runs contrary to the narrative of a permit backlog."

Grijalva echoed Lowenthal's statement.

"With Trump in the White House and Republicans calling the shots, BLM employees have been told to focus on a non-existent crisis and write more drilling permits with no questions asked," he said in a statement. "The HOARD Act shines a light on industry information Republicans can't defend and puts a line in the sand on corporate abuse of public lands."

Meanwhile, the Trump administration continues to implement a deregulation agenda.

President Trump in March signed an "energy independence" executive order mandating agencies revisit all federal regulations that slow energy development, especially fossil fuels (***Energywire***, Oct. 24).

Interior Secretary Ryan Zinke in March issued a secretarial order instructing each agency bureau and office head to report to Deputy Secretary David Bernhardt all actions that could burden domestic energy production.

Lowenthal and GOP members of the Subcommittee on Energy and Mineral Resources clashed at a hearing earlier this month over the issue of federal regulations slowing energy development (***Greenwire***, Oct. 13).

"For too long, inefficiencies and redundant requirements imposed by the federal government have discouraged oil and gas production on federal land," subcommittee Chairman Paul Gosar (R-Ariz.) said at the hearing.

"Duplicative environmental reviews and unnecessary permitting delays at the federal level have encouraged producers to take their business elsewhere, resulting in a growing disparity between production on state and private land when compared to federal land."

Lowenthal countered at the hearing that it takes longer to process permits to drill on federal lands because the lands belong to all Americans, and energy development and other extractive uses of the lands should be carefully analyzed.

"We have laws to make sure that the federal government treads carefully, considers all these potential uses and the impacts they will have, and gives the public a voice in deciding how the lands will be managed," he said.

http://bit.ly/2h5ktTo

2. Trump's 'energy independence' order: Where do things stand?

Ellen M. Gilmer and Pamela King, E&E News reporters
Published: Tuesday, October 24, 2017

President Trump's deregulatory agenda has been relentless.

Nine months into his presidency, Trump and his team have tossed reams of environmental standards in the trash, working to fulfill a promise to lighten the energy industry's regulatory burdens.

Many industry players have argued that President Obama and his Cabinet enlarged the administrative state by crafting layers and layers of new regulations, including fresh requirements for oil and gas development, power plant emissions and coal leasing.

The current administration has moved aggressively in the other direction, most notably with a March 28 "energy independence" **executive order**. In it, Trump plainly stated his objective: Revisit all federal regulations that fetter the operations of U.S. energy producers — especially those developing fossil fuels.

"I am going to lift the restrictions on American energy and allow this wealth to pour into our communities," Trump said in March.

So how much has the administration gotten done? It varies by issue, but agencies are quickly moving in on the order's targets.

This month, Trump officials hit two milestones in their wide-ranging examination of Obama-era rules for domestic energy production, electricity generation and greenhouse gas emissions.

U.S. EPA Administrator Scott Pruitt formally proposed a repeal of the Clean Power Plan, after determining that the rule went beyond the agency's Clean Air Act authority. The rule aimed to cut carbon emissions from the power sector 32 percent from 2005 levels by 2030.

EPA's proposal came just days after the Bureau of Land Management unveiled its plan to postpone key parts of a rule the Obama administration introduced to limit venting, flaring and leakage of natural gas from energy operations on public and tribal lands.

The rule was one of four Interior Department oil and gas regulations explicitly listed in Trump's executive order and a March 29 **order** from Secretary Ryan Zinke implementing the White House directive.

Zinke's order also instructed each bureau and office head to report to Deputy Secretary David Bernhardt all actions that could burden domestic energy production.

Wood Mackenzie analyst Matt Preston noted that many regulations targeted by the executive order have not yet taken effect, limiting the on-the-ground impacts.

"Most of the things that are being reversed now hadn't actually had an impact as of yet," he said. "So the fact that they could be reversed or replaced or repealed pretty much holds the status quo."

But environmental law experts warn that the scope of the president's directive is immense. Vermont Law School professor Pat Parenteau said the scale of the deregulatory effort was "greater than what I expected" but added that administrative and legal complications could ultimately keep the Trump administration from reaching its goals.

"One thing is, as bad as we thought it was going to be, it's worse — in terms of the assault," he said. "In terms of the actual effects? Too early to say."

Fossil fuel producers have roundly praised the administration's direction, calling it a much-needed effort to rein in numerous new rules instituted under Obama. Still, they acknowledge that the rollbacks will not happen overnight.

"It's like turning a large cargo ship — you can't just do it on a dime," said Dan Naatz, senior vice president of government relations and political affairs for the Independent Petroleum Association of America. "I know the administration's moving forward on a number of regulatory rollbacks or reforms or changes, and we're certainly engaged in that process, but that's going to take some time.

"The environmental [nongovernmental organizations] are going to fight it every step of the way," he added, "but we think it's well worth continuing that effort to move forward."

Here's where things **stand** on Trump's primary targets:

Clean Power Plan

The Clean Power Plan has long been on the Trump administration's kill list. The president's executive order marked the first step toward rolling back the regulation, and EPA two weeks ago unveiled its formal plan to get rid of it.

The rule was stayed by the Supreme Court in 2016 and has never taken effect. Now its prospects are even dimmer. Pruitt's plan would roll back the regulation entirely, finding that it exceeded EPA's authority under the Clean Air Act. The agency has not committed to replacing it with any narrower standards.

A federal court considering challenges to the Obama rule has so far declined to weigh in on major legal questions that have swirled around the regulation. Supporters of the Clean Power Plan continue to hold out hope for a ruling. But they're also gearing up for the next battles: commenting on the Trump administration's repeal proposal and planning to file new legal challenges once it's finalized.

Trump's March order also calls out another power plant regulation: EPA's 2015 rule for carbon emissions from new and modified sources. Unlike the Clean Power Plan, the new source rule is in effect. EPA is reviewing it but has not announced a timeline for action (***Climatewire***, Oct. 11). Litigation over that measure is on hold.

Social cost of carbon

One piece of the "energy independence" order that had immediate effects was a provision that called for scrapping the Obama administration's favored approach to measuring the cost of greenhouse gas emissions.

With the stroke of a pen, Trump disbanded an interagency working group that focused on the social cost of carbon and related tools that put a dollar amount on the impacts of carbon, nitrous oxide and methane. The group was charged with building a set of values to help agencies consistently weigh the benefits of reducing emissions.

Trump's order promptly killed the group and related technical documents that guided how federal agencies approached climate issues in cost-benefit analyses and environmental reviews. It also directed agencies to revert to an older method of weighing benefits from emissions reductions, focusing on domestic gains rather than global effects.

That U.S.-centric approach has already taken center stage in the rollback of the Clean Power Plan.

The Trump administration's proposal features a new regulatory impact analysis that revises the social cost of carbon calculation to focus on domestic benefits. Overall, the analysis projects annual climate benefits at about $20 billion less than Obama's EPA had contended. Similar revisions appeared in BLM's recent proposal to stall its methane rule.

But the social cost of carbon and related metrics won't disappear quietly, as courts have repeatedly pressed agencies to do some type of analysis reflecting those impacts (***Greenwire***, Sept. 1).

For example, a district court in Montana slammed the Interior Department in August for not weighing the cost of emissions related to coal mining when it had the social cost of carbon tool available. A week later, an appellate court in Washington, D.C., pressed the Federal Energy Regulatory Commission to explain why it opted not to use the metric when weighing the effects of natural gas pipelines.

Oil and gas

When Trump handed down his executive order on energy, Congress appeared poised to single-handedly abolish BLM's 2016 Methane and Waste Prevention Rule, one of four Interior regulations set for the chopping block.

Six weeks later, the Senate failed to secure the support of a simple majority behind the Congressional Review Act (CRA) resolution, and Interior turned to its instructions from the White House to "suspend, revise or rescind" the rule.

The department's systematic dismantling of the rule began in June, when BLM published a **notice** in the *Federal Register* indicating that it would excuse companies from complying with provisions of the rule that had yet to take effect.

An executive order from President Trump and a secretarial order from Secretary Ryan Zinke specifically identify four Interior Department rules for review and possible repeal:

• The Bureau of Land Management's "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands" rule: 80 Fed. Reg. 16128 (BLM fracking rule).

• BLM's "Waste Prevention, Production Subject to Royalties, and Resource Conservation" rule: 81 Fed. Reg. 83008 (BLM methane rule).

• The National Park Service's "General Provisions and Non Federal Oil and Gas Rights" rule: 81 Fed. Reg. 77972.

• The Fish and Wildlife Service's "Management of Non Federal Oil and Gas Rights" rule: 81 Fed. Reg. 79948.

Pamela King

A California district court later **ruled** that the delay was improperly executed.

The decision came the same day as BLM's formal **proposal** to postpone many of the rule's requirements to July 2019, giving the Trump administration more time to decide whether it should revise the rule or rescind it altogether.
EPA's attempt to roll back separate methane standards has also landed the agency in hot water. Pruitt moved to freeze New Source Performance Standards through a formal reconsideration process earlier this year but was blocked by a federal court in July. The rule is now in effect while the agency goes through a broader review of whether to keep it intact (***Energywire***, Aug. 22).

Efforts to roll back an Obama rule for hydraulic fracturing on public and tribal lands have taken their own strange turns. The regulation was struck down by a district court in 2016 and has never taken effect. Government lawyers appeared in a federal appeals court over the summer to defend the Bureau of Land Management's authority over fracking but urged the court to stay out of the issue while the agency reconsiders the standards.

A panel of judges took the government's advice — sort of. They agreed to toss litigation over the Obama rule without a decision, finding it unfit for a ruling given the new administration's review process. But they also scrapped the lower court's decision that sidelined the rule in 2016. The result? The fracking rule is set to take effect once the appeals court issues a formal mandate in the case.

To stop the Obama measure from taking effect, the Trump administration must finalize a rescission plan before that mandate issues. BLM has already circulated and received comments on a proposal and could issue a final plan any day. The court's mandate is expected by mid-November, but fracking rule opponents could persuade the court to hold off.

Action to repeal two other Interior rules listed in the executive order has lain dormant since the clock ran out on the CRA earlier this year.

Resolutions to scrap the Fish and Wildlife Service's "Management of Non-Federal Oil and Gas Rights" and the National Park Service's "General Provisions and Non-Federal Oil and Gas Rights" never reached a House vote. Repeal under the CRA would have required the backing of a simple majority in both chambers.

The power to propose changes or rescissions to those rules now rests squarely in Interior's hands.

There is no new information on those rules at this time, department spokeswoman Heather Swift told E&E News.

Coal leasing

The Obama administration's moratorium on new federal coal leasing was another immediate casualty of the "energy independence" order. Zinke issued an order lifting the leasing freeze a day after the president's directive.

The revival of the coal leasing program hasn't yielded any major results so far. Interior has not held any auctions this year and has approved only one noncompetitive lease modification.

That's mostly because the coal industry isn't looking for new leases right now. Coal companies have backed away from five pending leases representing 874.9 million tons of coal since the moratorium ended and have only submitted one new application representing 4.1 million tons (***Greenwire***, Aug. 29).

Meanwhile, two related legal fights are moving forward. Environmentalists and tribal advocates are challenging the Trump administration for lifting the moratorium. They say Interior should have done an environmental review to study the impacts of restarting federal leasing. Green groups have also revived an old lawsuit that sparked the Obama-era moratorium in the first place.

A far-reaching order

Every time the Trump administration weighs an energy-related issue — even one that is not specifically mentioned in the executive order — the document's commands loom large.

EPA has pointed to the president's directive in a number of proposals to scrap Obama-era regulations that weren't mentioned by name. Government lawyers told a federal court, for example, that it should freeze litigation over EPA's ozone standards while the agency undertakes a review pursuant to the executive order.

EPA cited the document again in seeking to delay a lawsuit related to the Obama administration's regulation for mercury emissions from coal-fired power plants.

They pinpointed additional rules for repeal in a report submitted to the White House last month (***Greenwire***, Sept. 25). That review has not been made public.
Interior is also targeting regulations not called out in Trump's order. A rule to adjust oil, gas and coal royalty collection procedures in Interior's Office of Natural Resources Revenue wasn't listed as a target, but the agency announced a plan shortly after the order's release to review the regulation (***Energywire***, April 4).

Interior moved first to delay and then to ditch the ONRR rule. The delay effort was overturned by a federal court, but the repeal was finalized in August.

The executive order also colored discussions around Interior's national monuments review. For some, the order served as an indication that undoing or adjusting monument designations made under the Antiquities Act could create new avenues for energy development. But those lands aren't necessarily in high demand by industry (***Energywire***, Aug. 23).

Interior has declined to share its broader analysis of which agency rules impede domestic energy development. Swift said there were "no announcements" when asked if the department had conducted its review and shared the results with the White House — as the president instructed.

Even agencies not subject to the executive order have taken up its cause. FERC Chairman Neil Chatterjee last week said the commission, which as an independent agency was not required to review its regulations to comply with the order, decided to take up a voluntary review "to identify actions that potentially burden domestic energy use and production." The review is in progress.

Click here to view an annotated PDF of the executive order.

Presidential Executive Order on Promoting Energy Independence and Economic Growth

EXECUTIVE ORDER

PROMOTING ENERGY INDEPENDENCE AND ECONOMIC GROWTH

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. (a) **It is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Moreover, the prudent development of these natural resources is essential to ensuring the Nation's geopolitical security.**

(b) **It is further in the national interest to ensure that the Nation's electricity is affordable, reliable, safe, secure, and clean, and that it can be produced from coal, natural gas, nuclear material, flowing water, and other domestic sources, including renewable sources.**

The order sets out lofty goals for promoting development of all types of energy, but its recommended regulatory rollbacks focus on streamlining fossil fuel development.

(c) Accordingly, it is the policy of the United States that executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.

(d) It further is the policy of the United States that, to the extent permitted by law, all agencies should take appropriate actions to promote clean air and clean water for the American people, while also respecting the proper roles of the Congress and the States concerning these matters in our constitutional republic.

(e) It is also the policy of the United States that necessary and appropriate environmental regulations comply with the law, are of greater benefit than cost, when permissible, achieve environmental improvements for the American people, and are developed through transparent processes that employ the best available peer reviewed science and economics.

Sec. 2. Immediate Review of All Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources. (a) The heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1 of this order.
(b) For purposes of this order, "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

This clause gives the order broader reach, prompting regulatory reviews from many agencies beyond U.S. EPA and the Interior Department.

(c) Within 45 days of the date of this order, the head of each agency with agency actions described in subsection (a) of this section shall develop and submit to the Director of the Office of Management and Budget (OMB Director) a plan to carry out the review required by subsection (a) of this section. The plans shall also be sent to the Vice President, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The head of any agency who determines that such agency does not have agency actions described in subsection (a) of this section shall submit to the OMB Director a written statement to that effect and, absent a determination by the OMB Director that such agency does have agency actions described in subsection (a) of this section, shall have no further responsibilities under this section.

(d) Within 120 days of the date of this order, the head of each agency shall submit a draft final report detailing the agency actions described in subsection (a) of this section to the Vice President, the OMB Director, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The report shall include specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency actions that burden domestic energy production.

(e) The report shall be finalized within 180 days of the date of this order, unless the OMB Director, in consultation with the other officials who receive the draft final reports, extends that deadline.

EPA has said it will make its plan public, but other agencies have held their reviews close to the vest.

(f) The OMB Director, in consultation with the Assistant to the President for Economic Policy, shall be responsible for coordinating the recommended actions included in the agency final reports within the Executive Office of the President.

(g) With respect to any agency action for which specific recommendations are made in a final report pursuant to subsection (e) of this section, the head of the relevant agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those actions, as appropriate and

consistent with law. Agencies shall endeavor to coordinate such regulatory reforms with their activities undertaken in compliance with Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

Sec. 3. Rescission of Certain Energy and Climate Related Presidential and Regulatory Actions. (a) The following Presidential actions are hereby revoked:

(i) Executive Order 13653 of November 1, 2013 (Preparing the United States for the Impacts of Climate Change);

(ii) The Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards);

(iii) The Presidential Memorandum of November 3, 2015 (Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment); and

(iv) The Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

(b) The following reports shall be rescinded:

(i) The Report of the Executive Office of the President of June 2013 (The President's Climate Action Plan); and

(ii) The Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions).

(c) The Council on Environmental Quality shall rescind its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," which is referred to in "Notice of Availability," 81 Fed. Reg. 51866 (August 5, 2016).

(d) The heads of all agencies shall identify existing agency actions related to or arising from the Presidential actions listed in subsection (a) of this section, the reports listed in subsection (b) of this section, or the final guidance listed in subsection (c) of this section. Each agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding any such actions, as appropriate and consistent with law and with the policies set forth in section 1 of this order.

Sec. 4. Review of the Environmental Protection Agency's "Clean Power Plan" and Related Rules and Agency Actions. (a) The Administrator of the Environmental Protection Agency (Administrator) shall immediately take all steps necessary to review the final rules set forth in subsections (b)(i) and (b)(ii) of this section, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules. In addition, the Administrator shall immediately take all steps necessary to review the proposed rule set forth in subsection (b)(iii) of this section, and, if appropriate, shall, as soon as practicable, determine whether to revise or withdraw the proposed rule.

(b) This section applies to the following final or proposed rules:

(i) The final rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64661 (October 23, 2015) (Clean Power Plan);

The Trump administration has formally proposed repealing the Clean Power Plan. A public comment period is open now, and EPA has not yet decided whether to replace the rule.

(ii) The final rule entitled "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64509 (October 23, 2015); and

The new source rule is still in effect. EPA is reviewing it but has not announced a plan for action

(iii) The proposed rule entitled "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule," 80 Fed. Reg. 64966 (October 23, 2015).

(c) The Administrator shall review and, if appropriate, as soon as practicable, take lawful action to suspend, revise, or rescind, as appropriate and consistent with law, the "Legal Memorandum Accompanying Clean Power Plan for Certain Issues," which was published in conjunction with the Clean Power Plan.

(d) The Administrator shall promptly notify the Attorney General of any actions taken by the Administrator pursuant to this order related to the rules identified in subsection (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the administrative actions described in subsection (a) of this section.

Sec. 5. Review of Estimates of the Social Cost of Carbon, Nitrous Oxide, and Methane for Regulatory Impact Analysis. (a) In order to ensure sound regulatory decision making, it is essential that agencies use estimates of costs and benefits in their regulatory analyses that are based on the best available science and economics.
(b) The Interagency Working Group on Social Cost of Greenhouse Gases (IWG), which was convened by the Council of Economic Advisers and the OMB Director, shall be disbanded, and the following documents issued by the IWG shall be withdrawn as no longer representative of governmental policy:

In light of the working group's disbandment, Bureau of Land Management 's proposal to delay many provisions of its methane rule used "interim values" on the social cost of methane until an "improved estimate" can be developed. The proposed Clean Power Plan repeal also reworked the social cost of carbon analysis.

(i) Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (February 2010);

(ii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (May 2013);

(iii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (November 2013);

(iv) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (July 2015);

(v) Addendum to the Technical Support Document for Social Cost of Carbon: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide (August 2016); and

(vi) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (August 2016).

(c) Effective immediately, when monetizing the value of changes in greenhouse gas emissions resulting from regulations, including with respect to the consideration of domestic versus international impacts and the consideration of appropriate discount rates, agencies shall ensure, to the extent permitted by law, that any such estimates are consistent with the guidance contained in OMB Circular A 4 of September 17, 2003 (Regulatory Analysis), which was issued after peer review and public comment and has been widely accepted for more than a decade as embodying the best practices for conducting regulatory cost benefit analysis.

Sec. 6. Federal Land Coal Leasing Moratorium. The Secretary of the Interior shall take all steps necessary and appropriate to amend or withdraw Secretary's Order 3338 dated January 15, 2016 (Discretionary Programmatic Environmental Impact Statement (PEIS) to Modernize the Federal Coal Program), and to lift any and all moratoria on Federal land coal leasing activities related to Order 3338. The Secretary shall commence Federal coal leasing activities consistent with all applicable laws and regulations.

Interior immediately lifted the Obama administration's federal coal leasing freeze in March but has not yet held any auctions.

Sec. 7. Review of Regulations Related to United States Oil and Gas Development. (a) **The Administrator shall review the final rule entitled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," 81 Fed. Reg. 35824 (June 3, 2016)**, and any rules and guidance issued pursuant to it, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules.

EPA tried but failed to stall the Obama administration's methane standards for new oil and gas. The rule is now in effect while EPA considers a broader rollback.

(b) The Secretary of the Interior shall review the following final rules, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules:

(i) The final rule entitled "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands," 80 Fed. Reg. 16128 (March 26, 2015);

Interior has proposed to repeal the fracking rule and is expected to finalize the action soon. Because of recent court action, the long-sidelined regulation could soon take effect if the Trump administration doesn't move quickly enough.

(ii) The final rule entitled "General Provisions and Non-Federal Oil and Gas Rights," 81 Fed. Reg. 77972 (November 4, 2016);
(iii) The final rule entitled "Management of Non Federal Oil and Gas Rights," 81 Fed. Reg. 79948 (November 14, 2016); and

Interior has made no announcements on these rules. Efforts to repeal under the Congressional Review Act failed.

(iv) The final rule entitled "Waste Prevention, Production Subject to Royalties, and Resource Conservation," 81 Fed. Reg. 83008 (November 18, 2016).

After an unsuccessful Congressional Review Act push, Interior this month proposed delaying most of the Bureau of Land Management methane rule's requirements in anticipation of a revision or rescission of the regulation.

(c) The Administrator or the Secretary of the Interior, as applicable, shall promptly notify the Attorney General of any actions taken by them related to the rules identified in subsections (a) and (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, until the completion of the administrative actions described in subsections (a) and (b) of this section.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
March 28, 2017.

http://bit.ly/2zMSM9C

3. Enviros warn of no more parks; critics say 'ridiculous'

Jennifer Yachnin, E&E News reporter

Published: Tuesday, October 24, 2017

The attacks came quickly after House Natural Resources Chairman Rob Bishop (R-Utah) introduced legislation to overhaul the Antiquities Act: Opponents argued the bill wouldn't only mandate strict guidelines for the creation of national monuments but would lessen the chances for new national parks in the decades ahead.

The message trumpeted by groups including the Conservation Lands Foundation, the National Wildlife Federation and Earthjustice is a simple one: Bishop's bill would equate to "no new parks."

No new sites like Grand Canyon National Park in Arizona, Arches National Park in Utah or Olympic National Park in Washington state.

"Let's be crystal clear: If the provisions in this bill had been in place for the last century instead of the Antiquities Act, the Grand Canyon, Arches and Acadia national parks or even Devils Tower would not be what they are today," said NWF President and CEO Collin O'Mara. "If this bill passes, even existing national monuments could be carved up, paved over or opened to mining and drilling under arbitrary criteria and a process that shuts out the public."

But Bishop has dismissed such correlations as unfounded. Before the Natural Resources panel passed the bill along party lines earlier this month, Bishop took a moment to ridicule such suggestions (***E&E Daily***, Oct. 12).

"The idea that Grand Canyon or Zion National Park would never have been created without this is misinformation," Bishop said at the hearing. "Those are national parks that can only be made by Congress. The idea that this stops the process is simply one of those things you throw out there that is a nice argument, but it's not a real argument."

Nevertheless, environmentalists in recent days continued to fire out fundraising pleas to their members and warnings to the media.

"The 'No More Parks' bill is headed for a floor vote in the House — which means Muir Woods, Giant Sequoia, Katahdin Woods and Waters and other iconic landmarks are in danger of losing vital protections," Sierra Club Executive Director Michael Brune wrote in a Thursday fundraising pitch.

Environmentalists have also rallied against the Trump administration's review of more than two dozen national monuments, including Interior Secretary Ryan Zinke's recommendations to reduce the boundaries of a half-dozen sites (***Greenwire***, Sept. 18). The White House has yet to announce whether it will pursue any changes.

Is Bishop right that environmentalists are overreacting in an attempt to scare memberships into action? Or are conservation groups issuing a truthful warning about the future of public lands?

Both sides say observers simply need to look to the past to see the answer.

A monumental surprise

Congress first gave presidents the authority to create national monuments on public lands in 1906, following years of debate over how best to curb the rise of "pot hunters," or museums, researchers and collectors who were looting archaeological sites in the early 1900s (***Greenwire***, Aug. 11).

Although lawmakers debated setting limits on how much acreage a president could set aside — in cases when areas of historical, cultural or scientific value needed protection — ultimately, Congress gave the president wide latitude to make decisions.

Notably, President Theodore Roosevelt first used the law in 1906 to set aside a geologic landmark, the 1,200 acres surrounding the Devils Tower National Monument in Wyoming. He would later create other sites, the largest of which were the 808,000-acre Grand Canyon National Monument and the 639,000-acre Mount Olympus National Monument.

According to the National Parks Conservation Association, in the 111 years after Roosevelt designated that first monument, the Antiquities Act would be used to establish another 156 monuments by 16 presidents.

A former Interior Department official who spent 41 years working in national parks and retired as superintendent of the Blue Ridge Parkway said it's "very prevalent" for national monuments to be converted into parks.

"Even I am surprised at the number of parks that started as monuments," acknowledged Phil Francis, vice chairman of the Coalition to Protect America's National Parks.

When Congress opts to convert a national monument to a park — a switch usually granted to larger swaths of land with a varied landscape, as opposed to a single natural or historic feature — a number of changes may occur.

In addition to alterations to a site's boundaries or name, it is possible for management of an area to change hands. National monuments may be managed solely or jointly by seven different agencies, while parks fall exclusively to the National Park Service.

Other changes can include new prohibitions on federal lands now considered a park, since NPS units typically restrict hunting, mining, timber harvesting and commercial fishing, and in most cases livestock grazing. Those activities are, however, allowed in national preserves operated by NPS.

Critics of national monument designations made under the Antiquities Act are also quick to note that the law provides no funding mechanism for new monuments, while NPS units are funded via the appropriations process.

'Completely salacious' arguments?

According to environmentalists, including the Center for Western Priorities, nearly half the nation's current 59 national parks were first set aside as national monuments. (There are 417 total national park system units, such as national battlefields and national historic sites.)

"Any number of current national monuments, spectacular places in their own right, could one day become national parks," CWP media coordinator Andre Miller asserted in an op-ed on the website **Medium** in August. He noted that to date Congress has converted 28 monuments to national parks.

Conservation advocates have seized on that data to argue that Bishop's new legislation would have prevented the creation of sites like the former Grand Canyon and Arches national monuments, and potentially derailed the process through which those lands became national parks.

"Congress has been able to designate national parks a lot of times after they are national monuments because there is a sentiment that there's a real value in these lands," said Earthjustice Senior Legislative Counsel Tracy Coppola. "That has been the trajectory for nearly half of national parks and a lot of the big ones that people celebrate."

She later added: "By limiting the scope and scale and having this arbitrary limit on what you can designate, that's going to limit national parks."

But Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute, said such arguments fail to acknowledge that much of the West remained uncharted when those lands were first designated as monuments.

"Those days are long past. There aren't any Grand Canyons hiding that need to be turned into national parks," said Ebell.

"The Antiquities Act has had its day, and it really needs to be sunsetted," Ebell added. He likewise suggested that Bishop's bill does not go far enough and all current monuments should be up for reconsideration: "There should be a congressional review to examine all of the national monuments that there are and to get rid of some of them or downsize them."

Ebell recently signed on to a letter urging President Trump to rescind four monuments: Utah's Bears Ears and Grand Staircase-Escalante national monuments, as well as Maine's Katahdin Woods and Waters National Monument and the Atlantic Ocean's Northeast Canyons and Seamounts Marine National Monument (***Greenwire***, Oct. 18).

Ebell also criticized environmentalists' arguments equating the future of the Antiquities Act with public lands protections as "completely salacious."

"They're trying to scare their supporters into opposing reform of the Antiquities Act based on fact-free scare stories that they send around with lovely photos," he said.

But NWF's O'Mara also seized on the Grand Canyon when asked about Bishop's dismissal of the "no new parks" campaign against his legislation.

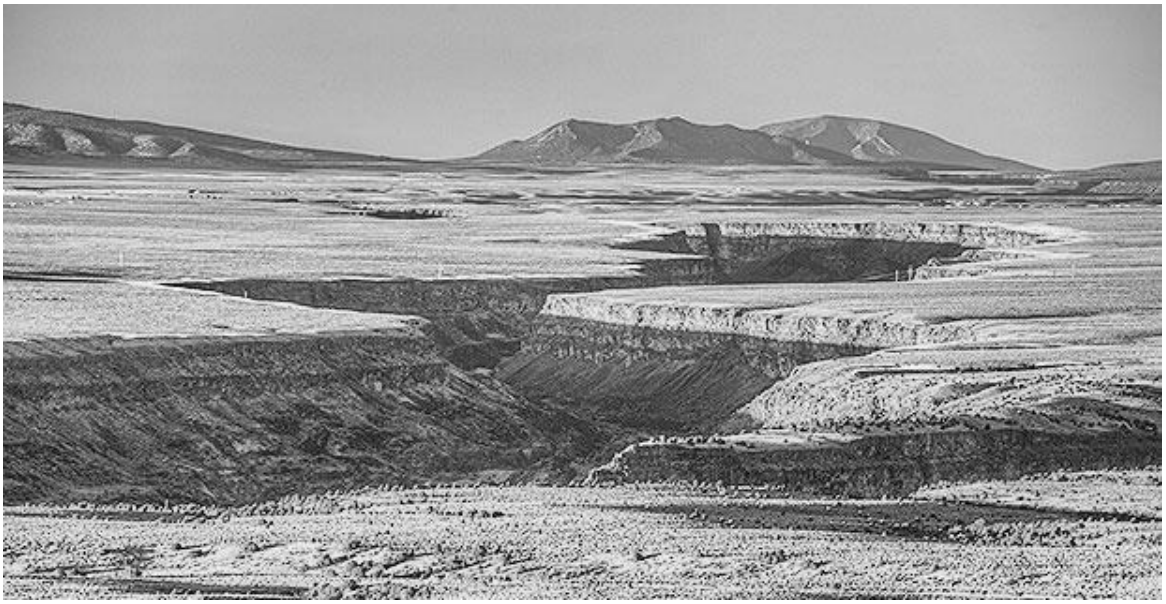
O'Mara pointed to the fact that the Grand Canyon monument was designated in 1908, nearly four years before Arizona became a state. At the time, O'Mara said, Congress refused to protect the land itself over concerns about having more economic development in the West, including mining in and around the canyon, prompting Roosevelt to establish the monument.

"If he hadn't done that, Congress would not have had the opportunity to designate it as a national park a decade later," O'Mara asserted.

The Grand Canyon was only the second monument to be converted to a national park when Congress did so in early 1919. It made its first conversion in 1916, when it redesignated the Lassen Peak National Monument in California to a national park. At that time, it also incorporated the Cinder Cone National Monument into the new Lassen Volcanic National Park.

The third site to become a park occurred in late 1919, when Congress chose to redesignate the monument lands now known as Zion National Park.

Congressional inaction



President Obama designated New Mexico's Rio Grande del Norte National Monument during his second term in office. Bureau of Land Management/Flickr

In addition to size restrictions Bishop has proposed for the Antiquities Act — such as capping new monuments at 85,000 acres — O'Mara has also knocked revisions that would prohibit monuments from protecting "natural geographic features" and instead limit sites to those with relics, artifacts, or human or animal remains.

O'Mara pointed to Roosevelt's designation of the Grand Canyon as a site that would have been excluded "because it was about the ecological value more so than about the cultural artifacts."

Conservationists also reject Ebell's assertion that the protections available under the Antiquities Act are no longer necessary, because of both restrictions available to federal land managers and the thorough exploration of the American West in the last century.

"There are credible threats to some of these resources; speed matters," O'Mara said.

Moreover, environmentalists note that Congress itself — which under the Constitution's Property Clause has sole authority over the nation's lands and territories — has been hesitant, or simply unable, to achieve new park designations in recent years.

"I don't think there's fewer important places. There's been very few designations coming through the House, and there's been disagreements between the two chambers," O'Mara said.

He pointed to monuments including New Mexico's Rio Grande del Norte and Organ Mountains-Desert Peaks, both of which were designated by President Obama during his second term in office, arguing that both sites had broad support but failed to see action in Congress.

"We've seen a reticence to act on these issues more along ideological grounds than on local community interests," O'Mara said.

Mountain States Legal Foundation President William Perry Pendley dismissed the "no more parks" message as "ridiculous." He also criticized parks created from existing monuments, asserting that such sites do not necessarily reflect the views of local communities.

"By making that complaint, the environmentalists are tipping their hand to say they realize that it's impossible to get the parks they want over the objections of local residents and the congressional delegation, and so they want to have a president that does their bidding to create parks in the guise of these monument decrees without an act of Congress," he said.

Lawmakers last converted monuments in 2014, when the 113th Congress changed the First State National Monument in Delaware into a national historic park, partially redesignated Maryland's Harriet Tubman Underground Railroad National Monument into a historic park, and made the Oregon Caves National Monument in Oregon into a national monument and preserve.

In the past two decades, Congress has initiated just a handful of alternations: changing Pinnacles National Monument in California to a national park, turning the Minidoka Internment National Monument in Idaho into a national historic site, redesignating Idaho's Craters of the Moon National Monument to a national monument and preserve, and renaming Colorado's Great Sand Dunes National Monument a national park and preserve and converting the state's Black Canyon of the Gunnison National Monument to a national park.

The last major burst of congressional action to convert monuments to parks came in 1994, when the 103rd Congress converted California's Joshua Tree, Arizona's Saguaro and Nevada's Death Valley.

"We want to point out what a dramatic shift this would be for the future," O'Mara said. "It would eliminate one of the most important conservation tools. ... Congress still has a check. If there's an action that the president makes that Congress doesn't like, they can act."

Déjà vu all over again

In fact, Congress has done just that over the decades, abolishing a handful of monuments — like the former Shoshone Cavern National Monument in Wyoming and the Papago Saguaro National Monument in Arizona.

In 1971, it also dealt with a very familiar scenario: On his way out of office, a Democratic president issued a proclamation setting aside broad swaths of Utah land under national monument designation.

In a Jan. 20, 1969, proclamation, President Johnson added nearly 49,000 acres to the Arches monument, more than doubling its then-35,000-acre size.

In a four-paragraph proclamation, Johnson said it would be in the public interest to add to the monument "certain adjoining lands which encompass a variety of additional features which constitute objects of geological and scientific interest to complete the geologic story presented at the monument."

Members of Utah's congressional delegation, including then-Sen. Frank Moss (D), complained for years after that they were not consulted about the decision, in particular the inclusion of lands that hold valuable mineral resources or prime grazing areas.

But Congress was eventually able to correct what Beehive State lawmakers saw as errors in judgment: In 1971, lawmakers approved legislation abolishing Arches National Monument and replacing it with the smaller Arches National Park.

In a statement on the Senate floor in 1971, Moss noted that Johnson had recommended that both Arches and the Capitol Reef National Monument, which he also expanded, become national parks.

But Moss lamented that Johnson did not consult him before issuing proclamations on both sites on his final day in office.

"I was not asked to approve in advance either of the proclamations," Moss said, according to the *Congressional Record*. "In both instances — and particularly in the case of the Capitol Reef National Monument — areas were included under the proclamation on which there may be recoverable minerals, and on which grazing permits are now valid.

"There was an immediate outcry in Utah by those who were affected — and rightly so," he added.

Moss also acknowledged, however, that the new lands Johnson added were "of remarkable scenic and geologic quality and should be brought under the protection of the National Park Service."

Instead, Moss called for replacing the monument with the national park, at a reduction of under 10,000 acres, adjusting the boundaries to "a reasonable and proper size."

http://bit.ly/2xkxxuc

4. Zinke meets with lawmakers in secure Hill location

Kellie Lunney, E&E News reporter
Published: Tuesday, October 24, 2017

Interior Secretary Ryan Zinke is meeting today with House Natural Resources Committee members in a secure location on Capitol Hill, according to sources familiar with the visit.

All committee members have been invited to the discussion. The panel's top Democrat, Rep. Raúl Grijalva of Arizona, will attend, a Democratic aide confirmed this morning. Rep. Donald McEachin (D-Va.), the ranking member of the Subcommittee on Oversight and Investigations, will also attend the meeting, his office said.

It appears Zinke plans to meet separately with Republicans and Democrats early this afternoon in a Sensitive Compartmented Information Facility, or SCIF in intelligence parlance, on the House side of the Capitol Visitor Center.

The meeting with Democrats was scheduled for noon to 1 p.m.

SCIF meetings require participants to have a high level of security clearance to attend. Such secure facilities must meet strict construction standards spelled out in an intelligence community directive.

No personal staff are allowed at today's meeting with Zinke and Natural Resources lawmakers, only committee staff with top-secret clearance.

It's not entirely clear why Zinke requested the SCIF, or what he plans to discuss with members, but critical infrastructure now is among the natural-resources-related issues with a national security component.

Separately, Interior announced today that it was proposing the largest oil and gas lease sale ever held in the United States — more than 76 million acres offshore in the Gulf of Mexico (***see related story***).

Other topics that could come up during discussions with lawmakers today include recent controversies over Zinke's official travel, as well as a major energy contract awarded to Whitefish Energy Holdings LLC, located in Zinke's hometown, to help restore power in Puerto Rico.

Politico first reported the Zinke meeting with House Natural Resources members today.

The Interior secretary's request for secrecy and a secure location is unusual, according to the Democratic aide, who said it hasn't happened before with Zinke, or with his Obama-era predecessor, Sally Jewell.

Another House source said the meeting was the second in a series of quarterly meetings Zinke promised to hold with committee lawmakers. Democrats have pressed Zinke to do a better job answering their requests for information and communicating with them more regularly.

Interior would not confirm any details of the meeting, or even that the meeting was happening.

"I'm not at liberty to discuss conversations that may or may not be held in a secure location," Interior press secretary Heather Swift said by email.

The committee's majority staff did not respond to questions about the meeting or whether the panel's chairman, Republican Rob Bishop of Utah, would attend.

Bishop is expected to be in Puerto Rico this week to assess damage from Hurricane Maria and evaluate how the committee can best help the island recover in the short and long term.

http://bit.ly/2gFNvfC

5. Can solar save a huge coal plant? Zinke's thinking about it

Brittany Patterson and Benjamin Storrow, E&E News reporters
Published: Tuesday, October 24, 2017

Interior Secretary Ryan Zinke met with a South African billionaire in July to discuss the possibility of using high-powered solar technology at one of America's largest coal plants as the Trump administration searches for a way to keep the facility from closing.

The Navajo Generating Station, a 2,250-megawatt coal plant in northeast Arizona, is scheduled to retire in 2019 after four utilities with a stake in the facility voted to close it earlier this year. The Interior Department is a minority owner, and the Trump administration opposes shuttering it. As a fix, federal officials have explored regulatory rollbacks and tax credits, and attempted to help facilitate the sale of the massive facility.

But Zinke's meeting with Dr. Patrick Soon-Shiong, a surgeon and scientist, illustrates how wide a net the administration is casting in its attempt to keep the laboring plant open.

Zinke and three top Interior officials held a rare one-hour meeting with Soon-Shiong and two members of his company, NantWorks, according to Zinke's calendar. Also attending the July 12 meeting was David Rousseau, president of the Salt River Project, the plant's majority owner and operator.

The meeting description listed on the calendar entry states: "Salt River Project Navajo Nation Solar Projects/Molten Salt Energy."

Salt River Project spokesman Scott Harelson confirmed the meeting, saying officials from the Arizona-based electric cooperative attended the gathering to discuss "potential economic development opportunities, including possible renewable energy projects, on the Navajo Nation post Navajo Generating Station operations."

Further details were unclear. Harelson did not elaborate, and an Interior spokeswoman did not answer follow-up questions. NantWorks representatives also did not respond to multiple requests for comment.

Federal officials have previously studied the use of molten salt energy at NGS. It's essentially a form of energy storage. "Concentrating solar power," or CSP, is used to heat salt into a liquid. The molten salt can then be stored until it is needed, at which time it is sent through a boiler, generating steam that's used to turn a turbine. Coal power is generated in much the same way.

In 2012, as part of its study on the best options for NGS to comply with federal haze regulations, the Energy Department's National Renewable Energy Laboratory did a high-level **analysis** of clean energy alternatives and found NGS was a good candidate for the installation of CSP technology to help augment energy production at the plant.

The authors found that the installation of molten salt energy and CSP technology could produce between 8 to 26 percent of the power produced by one of the three 750-MW coal units at the plant, depending on land availability and the plant's usage.

"It's been around a while, but it's hard and expensive so you don't do it unless you have to," said Michael Webber, deputy director of the Energy Institute at the University of Texas, Austin.

Soon-Shiong may be interested in trying. Born in Port Elizabeth, South Africa, to Chinese parents, the 65-year-old is best known for his $9 billion health care fortune. In the 1990s, he founded and sold multiple pharmaceutical companies, including Abraxis BioScience, maker of the cancer drug Abraxane. Today, he runs multiple companies, including NantWorks and NantHealth, which is focused on creating integrated health care information delivery systems. He also owns a minority stake in the Los Angeles Lakers.

Patrick Soon Shiong. NHS Confederation/Flickr

But there are some signs Soon-Shiong may be interested in dabbling in the energy sector. In 2016, a California-based solar company that operates America's first CSP facility was awarded one of the *Los Angeles Business Journal*'s 2016 Patrick Soon-Shiong Innovation Awards. Soon-Shiong posed with SolarReserve CEO Kevin Smith, according to **advertising photos** from the event.

A SolarReserve spokeswoman said the company has come to know Soon-Shiong as a result of the award.

She would not comment on the specifics of the Interior meeting since no one from SolarReserve was in attendance but said the company believes its technology could be a good choice for the ailing coal plant.

"Not only does our storage technology solve the intermittency issues that can help states like Arizona and California increase their renewable energy supply, but our technology is U.S. developed and manufactured and creates jobs here at home in manufacturing, construction, and operations," Mary Grikas said in an emailed statement. "That could help lessen the burden from the closure of NGS."

SolarReserve operates the Crescent Dune project located near Tonopah, Nev., the first commercial application of CSP with molten salt in the U.S.

The plant, which cost $1 billion to build, consists of a circular array of 10,000 tracking mirrors that follow the sun and reflect its rays at a 640-foot-tall tower that holds the receiver. Inside the receiver, molten salt is heated

to over 1,000 degrees Fahrenheit. Then, the super-hot salt is pumped into a tank, where it's stored, and some of that heat can be siphoned off and turned into steam, which turns a turbine to make electricity (***Climatewire***, Sept. 26).

Zinke's meeting with Soon-Shiong appeared to catch some of the administration's allies off guard. The economies of the Navajo and Hopi tribes are heavily reliant on the coal industry, and tribal leaders have loudly opposed plans to close NGS. The plant is located on Navajo land while the Kayenta mine, which serves NGS, is split between the Navajo and Hopi reservations.

One representative from the Navajo Nation said they were aware Soon-Shiong was interested in getting involved with solar on the sunny, 27,000-square-mile reservation. However, the representative also said they were not aware that the proposal has moved forward.

Mihio Manus, a Navajo spokesman, reiterated that point, saying "molten salt is not on our radar." He praised the Trump administration's efforts to keep the plant open.

Peabody Energy Corp., the operator of the Kayenta mine, has led the lobbying charge to keep the plant operating as a coal-fired generating station. In an email, the company did not respond to questions about Soon-Shiong's meeting with Zinke, saying instead it was pleased with how efforts to find a new owner are progressing. The company said earlier this month that a consultant had identified a list of potential buyers but did not disclose their identity (***Climatewire***, Oct. 2).

Heather Swift, an Interior spokeswoman, did not respond to questions about the alternatives currently being considered for the plant.

Instead, she wrote that Interior is interested "in an economic pathway where NGS operates post-2019," saying it is hoping to stave off the loss of thousands of jobs associated with the plant.

The department, nonetheless, "maintains an arms-length distance allowing negotiations to proceed among the appropriate parties, and any potential new owners," Swift wrote in an email. "Interior is not involved in reviewing nor is aware of the parties which have expressed interest in a post-2019 future for NGS."

Molten salt is not the only alternative being floated for NGS. Navajo officials briefly raised the idea of pursuing coal gasification, but Manus backed away from that idea yesterday, saying the tribe has studied the idea for 40 years and deemed gasification "uneconomic."

As natural gas prices have eroded NGS's profitability, federal officials have kept an eye out for ways to reduce the coal plant's costs.

Interior officials asked Peabody representatives if the company qualified for the Indian coal production tax credit, according to a Feb. 24 email exchanged obtained by E&E News in a Freedom of Information Act request. Peabody would qualify, but the credits first need to be extended by Congress, a company official responded. A bill proposed by Montana Sens. Steve Daines (R) and Jon Tester (D) to extend the credits is now before the Senate.

Several days after that February correspondence, federal, state and tribal officials met with Salt River Project and Peabody representatives at Interior's headquarters in Washington. Then-acting Interior Deputy Secretary James Cason promised to "turn over every rock" to help the plant, saying the administration would revisit regulations that incur additional expenses (***Climatewire***, March 2).

http://bit.ly/2i23PUB

6. In the Eagle Ford, a battle between mining and gas

Published: Tuesday, October 24, 2017

A South Texas family's ranch is playing host to a legal battle that pits coal mining against the operators of a shale gas pipeline network.

In McMullen County, the Wheeler family has brought a lawsuit seeking to invalidate a 1954 ranchland mining lease owned by the San Miguel Electric Cooperative Inc.

The cooperative is looking to mine more lignite coal it uses to fuel a nearby power plant. And it wants pipeline company DCP Midstream Partners LP, which owns an easement on the Wheelers' ranch, to relocate part of a system that carries Permian Basin and Eagle Ford natural gas to market.

"At first blush, this seems easy," said Owen Anderson, law professor at the University of Texas. "The coal lease or the coal rights were prior in time. It's of record. The [pipeline] easement is built later. So the coal operator wins."

The 1954 lease has no term. But that, added Anderson, could imply that the work should have been undertaken within a reasonable time window (Jennifer Hiller, ***San Antonio Express-News***, Oct. 20). **— DI**

http://bit.ly/2h6gZA5

7. Rising temps are costing government billions GAO

Published: Tuesday, October 24, 2017

The government's top watchdog said today that climate change will increase the already astronomical cost of dealing with extreme weather events, including fires, floods and hurricanes.

In a **report**, the Government Accountability Office said such disasters already cost the federal government tens of billions of dollars annually.

In the coming years, GAO warned, climate change will lead to more costly disasters. The Southwest, for example, will grapple with more expensive wildfires, and heat will cause more deaths in the Southeast.

The report urges the Trump administration to take seriously the risks posed by climate change — economic and otherwise.

"The Government Accountability Office — if you will, the chief bean counter — is basically telling us that this is costing us a lot of money," said Sen. Maria Cantwell (D-Wash.), who requested the report along with Sen. Susan Collins (R-Maine).

"We need to understand that as stewards of the taxpayer that climate is a fiscal issue, and the fact that it's having this big a fiscal impact on our federal budget needs to be dealt with," Cantwell said (Lisa Friedman, ***New York Times***, Oct. 23). **— MJ**

http://bit.ly/2y41JcA

8. Democrats describe 'weird' meeting with Zinke

Kellie Lunney, E&E News reporter

Published: Tuesday, October 24, 2017

National security issues related to the U.S. territories, the Pacific Rim and the Arctic were among the topics discussed at this afternoon's secretive Capitol Hill meeting between Interior Secretary Ryan Zinke and lawmakers on the House Natural Resources Committee.

Zinke held briefings with Democrats and Republicans separately in a Sensitive Compartmented Information Facility, or SCIF, on the House side of the Capitol Visitor Center.

It included a presentation from the secretary that dealt with "international threats to federal assets," according to one member, followed by questions on a variety of issues from lawmakers.

Ranking member Raúl Grijalva of Arizona and Rep. Jared Huffman (D-Calif.) called the meeting "weird" and "very strange," respectively, though they acknowledged national security issues were in fact discussed.

"It's great to have a conversation about the territories and the Arctic, but this didn't feel like an Interior Department briefing," Huffman said. "It felt like SEAL Team 6."

He was referencing Zinke's former Navy SEAL days.

> It's great to have a conversation about the territories and the Arctic, but this didn't feel like an Interior Department briefing, It felt like SEAL Team 6.
>
> *Rep. Jared Huffman (D Calif.)*

The California Democrat added: "We were playing national security games in the SCIF with the secretary of Interior at a time when we should be asking hard questions about why climate scientists are being reassigned to desk jobs, about why are public lands are being given away to crony capitalists."

Grijalva said he and other Democrats were frustrated by the lack of time for their questions on issues like the department's monuments review and reorganization effort.

"What kind of happened was [Zinke's presentation] consumed the whole time, and we didn't get to what we needed to get to," Grijalva said, adding that in his 14 years in Congress, this was the first classified meeting he has gone to for the Natural Resources Committee. "So, whether intended or not, the substance of what we came to talk about, the majority of the members came to talk about, never got talked about."

But Rep. Donald McEachin (D-Va.), the ranking member of the panel's Subcommittee on Oversight and Investigations, said he thought the meeting was an appropriate use of the secure facility.

"We didn't talk about much that was not related directly to national security," McEachin said, citing classified restrictions in declining to talk specifics.

Massachusetts Democratic Rep. Niki Tsongas said it was "a good conversation, with a lot of focus on insular affairs, which is one piece of our jurisdiction."

Tsongas, who called on the department to conduct an employee survey on sexual harassment and retaliation at Interior, said she mentioned that with many workers retiring now, it is "a good time to really look at cultural issues, as you are bringing in new people, around sexual harassment and relationships around co-workers."

Chairman Rob Bishop (R-Utah) arrived late at the Republican meeting, which occurred after the hourlong noon meeting with Democrats. He stayed only briefly but told reporters afterward that he thought the discussion merited the use of the SCIF.

Bishop said Zinke did not talk about infrastructure or anything related to Puerto Rico during the time he was in the room.

Many Republicans on the committee came and went quickly during their meeting with Zinke, while Democrats appeared to spend more time at their tête-à-tête with the secretary.

The trip to the Hill to talk to House Natural Resources lawmakers marked the second in a series of quarterly meetings Zinke promised to hold with them. Democrats have pressed Zinke to do a better job answering their requests for information and communicate with them more regularly.

http://bit.ly/2h5KEcC